

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with June E. Cohan on February 2, 2009.

The application has been amended as follows:

**Claim 1, line 4:** insert --by the client device-- in between "allocating" and "a plurality".

**Claim 10, line 4:** insert --by the client device-- in between "allocating" and "a plurality".

**Claim 19, line 4:** insert --by the client device-- in between "allocating" and "a substantially".

### ***Allowable Subject Matter***

2. Claims 1, 4-6, 8-10, 13-15, 17-20, 23-25, 27-29, 32-34, and 36-38 are allowed.
3. The following is an examiner's statement of reasons for allowance: Prior art fails to teach or fairly suggest a method or a system for managing cluster allocation in a client device with persistent storage, comprising the step of:

- a. maintaining the size of a buffer file substantially constant over time, such that when the buffer file approaches a full status, the cluster storing the oldest media content instance is deallocated from the buffer file; and updating the data record as clusters are deallocated from, and newly allocated to, the buffer file (independent claim 1, claims 4-6, 8, and 9 depend from claim 1).
- b. maintaining the size of the buffer file substantially constant over time, such that when a media content instance is designated permanent, the cluster or clusters on which it is stored are deallocated from the buffer file, and a corresponding cluster or clusters are newly allocated to the buffer file; and updating the data record as clusters are deallocated from, and newly allocated to, the buffer file (independent claim 10, claims 13-15, 17, and 18 depend from claim 10).
- c. maintaining the substantially constant number of clusters in the buffer file by a reallocation process in which, when the buffer file approaches a full status, the cluster storing the oldest media content instance is deallocated from the buffer file, and a new cluster is allocated to the buffer file, and when a media content instance is designated permanent, the cluster or clusters on which it is stored are deallocated from the buffer file, and a corresponding cluster or clusters are newly allocated to the buffer file; and updating the data record as clusters are deallocated from, and newly allocated to, the buffer file (Independent claim 19).

- d. maintain the size of the buffer file substantially constant over time, such that when the buffer file approaches a full status, the cluster storing the oldest media content instance is deallocated from the buffer file, and a new cluster is allocated to the buffer file; and update the data record as clusters are deallocated from, and newly allocated to, the buffer file (independent claim 20, claims 23-25, 27, and 28 depend from claim 20).
- e. maintain the size of the buffer file substantially constant over time, such that when a media content instance is designated permanent, the cluster or clusters on which it is stored are deallocated from the buffer file, and a corresponding cluster or clusters are newly allocated to the buffer file; and update the data record as clusters are deallocated from, and newly allocated to, the buffer file (independent claim 29, claims 32-34, 36, and 37 depend from claim 29).
- f. maintain the substantially constant number of clusters in the buffer file by a reallocation process in which, when the buffer file approaches a full status, the cluster storing the oldest media content instance is deallocated from the buffer file, and a new cluster is allocated to the buffer file, and when a media content instance is designated permanent, the cluster or clusters on which it is stored are deallocated from the buffer file, and a corresponding cluster or clusters are newly allocated to the buffer file; and update the data record as clusters are deallocated from, and newly allocated to, the buffer file (independent claim 38).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon.-Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2621

HRJ  
January 31, 2009

/Thai Tran/  
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